

Canada

# The Canadian Indian

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# The Canadian Indian

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Over a million people in Canada, about 5 per cent of the population, can trace their ancestry back to this country's first inhabitants, the Indians. Of this figure, some 700,000 are either non-status Indians or are Métis — of mixed blood by intermarriage with whites. An estimated 296,000 others are status Indians registered under the Indian Act. The latter are the responsibility of the Indian and Inuit Affairs Program initiated by the Department of Indian Affairs and Northern Development, whose minister has a trust responsibility to the Indian people to protect the special rights accorded them through treaties and the Indian Act. This historic and continuing responsibility extends to a wide range of present-day concerns and expectations of the Indian people.

Anthropologists believe that the Indians came to North America in successive migrations during pre-historic times from Northern Asia, by way of the Bering Sea. It is also believed that some of the Indians migrated farther south and became the ancestors of the Aztecs, Mayas and Incas in Central and South America. The Indian population of North America is estimated to have been about 200,000 at the time of the arrival of the first white man.

In Canada today, there are 575 Indian groups known as "bands" occupying 2,233 reserves ranging in size from one to 350,000 acres and totalling 6.4 million acres. Only 700

of these reserves, however, are inhabited. About 30 per cent of the total Indian population has chosen to live outside reserves as members of the Canadian community. Many have become successful farmers, ranchers, lumbermen, mechanics, industrial workers and tradesmen. Others have become doctors, dentists, nurses, teachers, lawyers, clergymen and soldiers.

The Canadian Indians are not a single people, but are divided into ten unique linguistic groups which are, in turn, subdivided into tribes with their own dialects. In Canada alone, 58 Indian dialects are spoken. Four linguistic groups are found east of the Rocky Mountains — Algonkian, Athapaskan, Iroquoian and Siouan — and six in British Columbia — Kootenayan, Salishan, Wakashan, Tsimshian, Haida and Tlinkit. Some Athapaskan-speaking Indian bands also live in the interior of British Columbia.

Indians of Algonkian origin are the most numerous, occupying an area from the Atlantic Ocean to the Rockies; they include such well-known tribes as the Micmacs of Prince Edward Island, Nova Scotia and New Brunswick, the Montagnais of Quebec, and the Ojibway, Cree and Blackfoot of Ontario and the prairie provinces.

Iroquoian peoples, including the Hurons, are found in Ontario and

Quebec, Athapaskans inhabit the Yukon and Northwest Territories, while Siouan tribes inhabit parts of Manitoba, Saskatchewan and Alberta.

The Indian population of Canada enjoys a rich heritage of many diverse cultural backgrounds. It exhibits various stages of economic and social development, from that of the primitive nomadic hunter to that of the highly skilled industrial worker or member of the learned professions. Like every other community in Canada, the Indian band or group is subject to the economic, social and geographical influences of the region in which it lives. For general purposes, the Indian population may be grouped according to the natural economic zones of the country.

#### *Habitation areas*

On the Atlantic seaboard, various tribes lived originally by hunting and knew nothing of agriculture. Today, however, they are engaged mainly in forestry, agriculture, fishing and native handicraft programs, and live much the same life as other Canadians making their home in the Atlantic provinces.

At the time of European settlement, the St. Lawrence and Great Lakes regions that became the nuclei of the provinces of Ontario and Quebec were inhabited, as they are today, by two principal Indian groups — the Iroquoians, including Hurons, and the Algonkians, in-

cluding Ojibways, Algonquins and Abenakis. The Iroquoians were farmers, the only aboriginal race in Canada which had developed agriculture to any great extent before the coming of the Europeans. The Algonkians, however, depended mainly on hunting for their livelihood. Today, Iroquoian and Algonkian groups in settled areas are engaged mainly in farming, industry and the professions, while those in more remote areas rely mostly on forestry, fishing, hunting and trapping for a living.

In the prairie provinces, the Indians who depended upon the buffalo for virtually all their needs had to adapt to new conditions following its near extinction. Many Indian people are now successful ranchers and grain-growers.

The Indians inhabiting the coastal areas of the Pacific region were formerly sea-goers and fishermen. Today they are active in commercial fishing as well as in logging and other industries peculiar to the region. In the interior, fruit-growing and ranching are important, while many Indians earn their livelihood in lumbering. In the northern areas, trapping is the principal occupation.

The Indians in the vast region of the Precambrian Shield were formerly entirely dependent on hunting and fishing for their livelihood. They enjoyed periods of plenty in good game years and suffered privation and fa-



mine when game was scarce.

Although hunting remains important, modern means of transportation and communication have given rise to remarkable change in the native economy of the region. In the more accessible areas, the pulpwood industry provides employment for many Indians, while mining and other explorative operations are also changing employment patterns.

Treaties were agreements made between Indians and governments of the day. Originating in 1850, such agreements established boundaries and set out terms (still in effect today) which governed how Indians would live on the lands. A total of 16 treaties were signed, some of them encompassing enormous tracts of land taking in hundreds of thousands of square miles. In signing a treaty, the Indians ceded their interest in the lands they occupied to the Crown which, in turn, undertook various commitments. These included the setting aside of specific lands for reserves, the payment of annual cash and other benefits, hunting and fishing rights and education services. While some of these may have been substantial sums 100 years ago, they seem no more than a symbolic gesture today, such as, for example, \$4 a person a year.

### *The Indian Act*

Indian people have the distinction of being the only group specifically mentioned in the British North America Act, the basis of Confederation in 1867.

In addition, the Indian Act, drawn up nine years later in 1876, provided the foundation for the administration of Indian affairs in Canada. The Indian Act is also the expression by Parliament of its legislative authority with respect to Indians and their lands.

By 1951, it had been revised and amended in successive steps to its present form. Some of its sections are currently regarded by the Indian people as unacceptable. The government has acknowledged this and has asked Indian leaders for their views on revision of the Act. To assist in this process, the government made funds available to the national organization of status Indians known as the National Indian Brotherhood to secure the views of Indian people across Canada about desirable amendments to the Act.

#### *Indian reserve lands*

Indian reserves are Crown-owned lands which have been set aside for the exclusive use and benefit of an Indian band. The reserves have been established in a number of ways: by treaty, by purchase by the Crown or Indian band, by grant of the French or British Crown, by agreement with the provinces, by statute of federal, provincial or colonial governments, or by a combination of two or more of these.

In each case, the act of setting aside land creates the Indian's right to use and occupy the land. This right is separate from the title to the land which remained with the Crown. Regardless of whether title to the lands was held by the federal or provincial Crown, the Parliament of Canada was given the sole

authority, under the British North America Act, to legislate in regard to these lands.

#### *History of Indian affairs*

The Indian and Eskimo Affairs Program is the oldest continuously operating arm of the government. It is a direct descendant of the Department of Indian Affairs founded in what is now New York State in the mid-1700s.

#### *Some notable dates:*

- 1850 — First of a series of treaties between Indians and the Crown.
- 1860 — The Crown Lands Department took over responsibility for Indian Affairs from the Imperial Government.
- 1867 — Indian affairs became the responsibility of the Secretary of State.
- 1873 — Indian Affairs became a branch of the Department of the Interior.
- 1876 — The Indian Act was passed.
- 1880 — A separate Department of Indian Affairs was established.
- 1936 — Indian Affairs became a branch of the Department of Mines.
- 1939 — The Supreme Court of Canada ruled that the term "Indians", as used in the British North America Act, included Inuit inhabitants of Quebec. (A later ruling extended the BNA Act pro-



vision for Indians to all Inuit throughout Canada.)

- 1950 — The Department of Citizenship and Immigration assumed responsibility for Indian Affairs.
- 1951 — The Indian Act was revised.
- 1966 — Indian Affairs was incorporated into a new Department— Indian Affairs and Northern Development.
- 1969 — The government's "white paper" aroused controversy and was rejected by the Indian people. The government subsequently agreed that provisions of the Indian Act would not be amended without consulting the Indian people.
- 1975 — The government announced its intent to redefine its relationship with the country's 280,000 (at the time) status Indians to maintain their identity within Canadian society and to safeguard their unique constitutional rights.

The Indian and Inuit Affairs Program has responsibilities and a mandate that bear upon and reflect some of the most sensitive political issues in Canada today. They are issues that evoke strong views from native groups and from some segments of the public at large.

The federal government is pursuing a redefinition of its relationship with the country's 296,000 status Indians to make them equal partners with all Canadians while safeguarding their special constitutional rights. This approach is based on a distinct Indian identity within Canadian society.

The problems of native people today centre on poverty and cultural alienation from the society around them. Some find difficulty in adapting to the white man's way of life as well as adjusting to declining revenues from such traditional pursuits as trapping and fishing.

Government policy encourages the involvement of native people in finding their own solutions to problems as they perceive them. Once problems are determined, assistance is made available whenever possible and, increasingly, the native people themselves manage the programs. Some fields are highly technical, some require the co-operation of various agencies. The Indian and Inuit Affairs Program trains Indian and Inuit peoples so that there will be those among them who can deal with any difficulties.

The Program deals primarily with, and is most directly responsible to band chiefs and councillors. However, the provincial and territorial Indian associations and their parent organization, the National Indian Brotherhood (NIB), often provide an intermediate level of negotiation on broad issues and serve as co-ordinators. The NIB also provides the people it represents with a direct link to the federal Cabinet.

Over the next few years government/Indian relations will probably revolve around three major concerns: revisions to the Indian Act, negotiation of land claims and the related question of aboriginal rights, and improved services to Indian people.

#### *Native land claims*

The federal government recognizes native claims that fall into either of two categories: "specific claims" or "comprehensive claims".

Specific claims are those in which Indian bands allege that the Department of Indian Affairs and Northern Development has failed to honour its lawful obligations. Certain treaties or agreements may, in fact, have not been fulfilled or have, perhaps, been improperly interpreted. Specific claims may also relate to the improper administration of land and other Indian assets by the federal government, under the various Indian acts and regulations.

Federal recognition of comprehensive claims is based on a policy statement of August 8, 1973 concerning the loss of traditional use and occupancy of land in areas where the native interest has never been extinguished by treaty or superseded by law. This interest is variously described as "Indian title", "Aboriginal title", "original title" or "native title".

The federal government's approach to settling such claims is based on its awareness that the claims are not only for money or land, and that, because they involve the loss of a way of life, any settlement must contribute positively to a lasting solution of cultural, social and economic problems.

The federal government's position is that these claims must be settled. It is the view of the government that the most promising avenue to settlement is through negotiation. Such negotiations, it is felt, will be on the basis that where traditional native interest in lands concerned can be established, an agreed form of financial compensation and other benefits will be provided to native people in return for their interest. Agreements reached with both Indian and Inuit peoples on this basis would then be given effect by legislation enacted by Parliament.

The James Bay agreement signed in 1975 between the Grand Council of the Crees of Quebec, the Northern Quebec Inuit Association, the federal



and Quebec governments (including three Crown corporations), was the first comprehensive claim to be settled.

To enable claimants to present claims of either type as effectively as possible, the federal government has, since 1970, provided loans, contributions and other assistance to Indian and Inuit peoples so that they can conduct the necessary research, develop and negotiate their claims. A total of \$40.7 million has been provided to native organizations and bands for this purpose.

Since 1974, the Office of Native Claims has represented the government in claims negotiations with native groups and has advised on policies relating to the development of claims.

### *Local government*

The Local Government Branch of the Indian Affairs department promotes and encourages local self-government by Indian bands and disburses monies to achieve this. Band councils are recognized as a distinct and identifiable level of government with responsibility to their electors. To strengthen the leadership and representational role of band councils, a Band Core Funding Program based on band membership was introduced in 1974. This program makes available funds for chiefs and councillors to establish band offices, hire full or part-time support staff, and to allow

them some compensation in the form of honorariums and travel funds.

Band councils have assumed managerial responsibility for a broad range of programs and services, including housing, education, community facilities, social services and recreation. In some cases, bands assume total responsibility for programs, in others they manage only a part, or share responsibility with the department. The main factor is a band's desire to become involved, and its capability in management expertise and experience. During 1978/79, Indian and Inuit councils administered close to \$194,485,000 in public funds.

The provision of social services to Indian people also falls under the local government program. These include social assistance, child welfare, and rehabilitation and other adult care.

### *Economic development*

The department's Economic Development Branch was established in 1970 with the principal mandate of helping Indian people achieve economic independence by establishing a variety of enterprises and employment-creating opportunities. Since 1970, the Branch's Indian Economic Development Fund has created or maintained over 8,500 jobs for Indian people. During 1978/79, 814 new jobs were created in such areas



as forestry, agriculture, communications media and real estate.

The Fund is a major instrument for achieving the goals of the Economic Development Branch. Through it, Indian people can receive financial support for businesses in the form of guaranteed loans, grants and contributions for start-up costs and planning and management services. Indian economic development can also involve provincial governments and Indian organizations. In 1976, for example, joint Indian agricultural programs were started in Saskatchewan and Manitoba.

Arts and crafts, long a traditional Indian activity, has developed into a full-fledged business operation with a native-owned corporation—Canadian Indian Marketing Services—handling marketing and distribution to retail outlets.

### *Education*

While education is primarily a provincial responsibility, the provision of primary, elementary and secondary schooling to Indians living on reserves is the responsibility of the Department of Indian Affairs and Northern Development. During the 1978/79 academic year, out of 74,914 Indian students in primary, elementary and secondary grades, about half were enrolled in federally-operated schools. In 1972, the National Indian Brotherhood presented

the government with a key policy paper on education asking for parental responsibility and local control. The government is implementing the NIB's policy request and, as a result, an increasing number of Canada's 575 Indian bands now manage their own schools and most control one or more education program components.

Statistics show that more than half of the country's 296,000 registered/status Indians are under the age of 15. While the number of Indian youngsters completing high school has risen recently, almost 90 per cent of those starting school still drop out by the time they reach Grade 10. In some areas, attendance runs as low as 56 per cent. Transportation difficulties and the seasonal employment of Indian parents requiring them to leave their homes temporarily are factors in these statistics. In Manitoba, for example, nearly 50 per cent of Indian people live in isolated areas where no roads exist. This occurs to a lesser degree in all the provinces.

The number of Indians pursuing some form of post-secondary education has increased. During 1975/1976, 3,888 Indian students were enrolled in universities and professional training institutions. In 1978/1979, this figure rose to 4,201. Proportionately, however, these statistics remain far below the Canadian average.

While schools follow provincial curricula, they are encouraged to provide special instructional materials and programs related to the Indian heritage and culture. Cultural enrichment programs, including Indian languages as either the language or subject of instruction, have been introduced in both federal and provincial schools. Special courses to train Indian people as teachers, teacher aides and language instructors have been set up to make it possible for Indian children to be taught by their own people. Cultural/educational centres are also being provided to further strengthen Indian awareness of their cultural heritage outside the classroom.

The federal government provides a comprehensive post-school program of financial assistance and counselling services, including vocational, occupational and post-secondary training in provincial institutions and universities. In addition, adult-education courses are available to provide Indian adults with basic education, educational upgrading and retraining. An employment and relocation program offers on-the-job and in-service training, relocation grants, counselling and follow-up services and mobility assistance.

### *Housing*

The Community Housing and Facilities Branch of the department was created to implement and manage

national housing and facilities programs for Indian communities in co-operation with other federal departments as well as provincial governments and agencies. The aim is to provide native peoples with the same opportunities as other Canadians for adequate housing in a community of their choice.

Indians living on reserves may get housing through the Housing Subsidy Program. Nearly 14,000 houses were built and renovations to 18,000 existing homes were undertaken under this program during the past seven years; a total of \$190 million was provided for this purpose. In 1978/1979, an estimated 2,300 new houses were built and 6,500 renovated.

### *Lands*

A Lands and Membership Branch of the Indian Affairs department identifies, protects and records the interest in the lands to which Indian people are entitled. Its responsibility lies fundamentally in the administration of 6.4 million acres of Indian lands divided into 2,233 reserves, set apart for 575 bands and the administration of the status rights of Indian people.

### *Employment*

Early in 1977, the Employment Programs Branch was established in the Department of Indian Affairs and Northern Development to co-ordinate

the delivery of existing native employment programs and services and to develop a comprehensive strategy to reduce the unacceptably high level of unemployment among native peoples in Canada. The Branch also provides support to other federal and provincial programs that have employment potential for native communities.

#### *Benefits of Indian status*

- An Indian is entitled to live on and use the reserve set apart for the band to which he belongs.
- He can be given a right to lawful possession of lands in the reserve and can transfer or will that right to other members of that band.
- His property on a reserve is exempt from seizure.
- An Indian is exempt from taxation on any interest in reserve land or any personal property situated on a reserve.
- In Quebec, Ontario, Saskatchewan, Nova Scotia, New Brunswick and Manitoba an Indian is exempt from provincial sales tax on goods delivered to the reserve.
- An Indian is exempt from taxation on income earned on a reserve.
- He is entitled to annuity payments of modest sums a year, if there is a treaty covering his band, as well as other benefits conferred by treaty. For example, the members of bands in Treaty 6 in central Saskatchewan and Alberta are entitled to free medical drugs.
- An Indian may exercise hunting, fishing and trapping rights on his reserve. Under certain conditions he may hunt, fish and trap off-reserve on unoccupied Crown land.
- He can share in *per capita* distributions of monies derived from the use of band assets such as the sale of timber on the reserve, the lease of reserve land or the sale of surrendered land.
- If, after attaining the age of 21, an Indian chooses to give up his Indian status, upon doing so (this is called enfranchisement), he is entitled to a *per capita* share of the capital and revenue funds of the band and, if he is a member of a treaty band, 20 years' annuity. In certain bands, such as those in oil-rich areas, these monies can amount to substantial sums.
- Substantial sums are available in the form of loans and grants under the Indian Economic Development Program and Indian Housing Programs.
- In addition to the department's responsibility to provide elementary and secondary education to Indian children living on reserve, when there is a need for financial assistance and it is not available from any other source, the department may provide school supplies, books, and in some cases a personal allowance for an Indian child living off-reserve.



- For post-secondary education, the department will supply financial aid not available from other sources (including tuition, school supplies, books, living expenses and transportation) to an Indian resident in Canada, upon his application.
- There are special provisions for a person of Indian status in the Veterans Land Act.
- There are special provisions permitting employment in the United States without a visa for a Canadian Indian.
- Indians have certain border-crossing privileges under the United States Immigration and Naturalization Act.

### *Future of the Indians*

A welcome trend during the past few years has been an increasing awareness on the part of the Indian people that their future lies largely within their own control. As a concrete illustration of this, more and more Indian bands have chosen to manage for themselves the funds earmarked for providing services to their members. This trend can be expected to grow and will oblige the federal government and the Indians to co-operate in developing policies and programs to strengthen the native sense of individuality without, however, weakening the traditional sense of community.

Indian associations have been formed in every province and territory of Canada. These associations are trying to find the most effective ways to help their people.

*For further information please write to:*

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